



Dr. Philip Speas, President

27 July 2016

Catherine Lhamon, Assistant Secretary
U.S. Department of Education, Office of Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington DC 20202-1100

Re: Request for Religious Exemption from Certain Applications of Title IX

Dear Ms. Lhamon:

As President of Kentucky Mountain Bible College, I am making an application to the Office for Civil Rights of the Department of Education that the College be exempt from compliance from certain Title IX regulations under the provisions of religious exemption as identified in 20 U.S.C. § 1681 (a)(3). I am the "highest ranking official of the institution," 34 C.F.R. § 106.12 (b), and thus qualified to seek these exemptions.

To the extent that they are interpreted to curtail the College's freedom to act in accordance with its religious convictions, the College seeks exemption from Title IX of the Education Amendments of 1972 and the following accompanying regulations:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)
- 34 C.F.R. § 106.31 (education programs or activities)
- 34 C.F.R. § 106.32 (housing)
- 34 C.F.R. § 106.33 (comparable facilities)
- 34 C.F.R. § 106.34 (access to classes and schools)
- 34 C.F.R. § 106.36 (counseling)
- 34 C.F.R. § 106.37 (financial assistance)
- 34 C.F.R. § 106.38 (employment assistance to students)
- 34 C.F.R. § 106.39 (health and insurance benefits and services)
- 34 C.F.R. § 106.40 (marital or parental status)
- 34 C.F.R. § 106.41 (athletics)
- 34 C.F.R. § 106.44 (standards for measuring skill or progress in physical education classes)
- 34 C.F.R. § 106.51-61 (relating to employment)

In addition to being President of Kentucky Mountain Bible College, I am also an ordained minister in the Kentucky Mountain Holiness Association. The College is a part of the Kentucky Mountain Holiness Association.¹ The by-laws of the Association require that the president of the College and all regular staff be members of the Association.² The College requires that the Chairman of the Board of Trustees and 69% of the Board of Trustees must be approved by the Association.³

The Kentucky Mountain Holiness Association was started in 1924 and incorporated February 20, 1931. The College was established by Dr. Lela G. McConnell and Rev. Martha L. Archer in 1931 under the original name of Kentucky Mountain Bible Institute and has been in continuous existence since.⁴ The purpose of the College from the beginning has been to provide students with a thorough Bible education and to prepare them for Christian ministry.

The Statements of Faith of the Kentucky Mountain Holiness Association and the Kentucky Mountain Bible College (enclosed) are the same. These identical Statements of Faith serve as a reference for standards of faith, practice and behavior for the College, its faculty, staff and students.

The College and Association believe that the Bible is the true, infallible, inerrant Word of God and seek to follow, teach and apply its principles to all of our life's practices and behaviors, which involve the students and employees.

The College and Association Statement of Faith states "We believe the Scriptures, the sixty-six books of the (Protestant) Bible, to be God's infallible Word, fully inspired by the Holy Spirit, inerrant in the originals, and the sole authority for doctrine and life."⁵

Our Statement of Faith further states in the section on THE SACREDNESS OF MARRIAGE AND HUMAN SEXUALITY:

"We believe that the term "marriage" has only one meaning: the uniting of one naturally born man and one naturally born woman in a single, exclusive union, as delineated in Scripture. (Genesis 2:18-25).

God created humanity male and female and brought them together in marriage. These two distinct, complementary genders together reflect the image and nature of God. Rejection of one's biological sex is a rejection of the image of God within that person. Also, we affirm the biological sex of all persons and that any and all attempts to physically change, alter, or disagree with one's predominant biological sex is disordered, according to the Bible. (Genesis 1:26-28, Genesis 2:18-24, Romans 1:26-32, I Corinthians 6:9-13, Ephesians 4:17-19, 5:25-27, Colossians 3:5, I Thessalonians 4:3, Hebrews 13:4, Galatians 5:19,21).

We subscribe to a Biblical view regarding marital fidelity and monogamy, condemning promiscuity and fornication, sadism, masochism, bondage, and sodomy. (Exodus 20:14, Ephesians 5:3, Colossians 3:5, I Thessalonians 4:3, Hebrews 13:4, I Corinthians 6:18, Jude 7, Romans 1:24-32)."⁶

¹ KMBC Administrative Handbook, pg 5, Item 2.1.

² KMHA Handbook, pg 6, Item E.1 & pg 12, Item A.2.

³ KMBC Administrative Handbook, pg 9, Item 3.1.2.

⁴ See <http://www.kmbc.edu/aboutus/our-history/>.

⁵ KMHA Handbook, Statement of Faith, page 3, Item C.4.

⁶ KMHA Handbook, Statement of Faith, page 4-6, Item C.15.

In lieu of this scriptural teaching, we affirm that our employees and students are not to participate in the following behaviors: “We believe that any form of sexual immorality (including but not limited to adultery, fornication, homosexual behavior, bisexual conduct, pedophilia, bestiality, incest, polygamous behavior, sodomy, and use of pornography) is sinful and offensive to God. (Matthew 15:18-20, I Corinthians 6:9-10).”⁷

The College requires that all regular employees must be practicing Christians, must be approved by the Association, and must follow the code of conduct listed in our staff handbook.⁸ Our employees are considered representatives of the College and are to model proper Christian behavior. Students are required to attend chapel regularly and follow the code of conduct as presented in the student handbook.⁹ The college handbooks state that sanctions may be imposed on faculty, staff and students whose behavior is not in keeping with our code of conduct, including dismissal from the College and termination of employment.¹⁰

We value and affirm the dignity of all human beings. We distinguish between the value of the person and the behavioral choices people make. As Christians, we are called upon to treat all people with compassion and offer them the gospel of repentance, forgiveness, and transformation through Jesus Christ.

Due to the fact that the Statement of Faith of the Association and the Doctrinal Statement and Code of Ethics of the College view cohabitation as fornication and sinful behavior, the College provides separate housing and restrooms for men and women. Our male-only and female-only residence halls have rules in place that regulate access by the opposite sex. Title IX regulations guidance that would require males and females to live in the same housing without restrictions, and allow an unmarried male and female the right to cohabit, and allow persons with transgender issues the right to select the dorm of their choice are contrary to our core beliefs.¹¹

Because of our College's and Association's religious beliefs on sexuality, we also believe that a person cannot change their birth sex even though they undergo surgery and hormonal treatments.¹² Because of this belief, we cannot allow a person identifying as the opposite sex of their birth sex the right to live in campus housing with persons of their self-assigned sexual identity, play on athletic teams, share restrooms, or locker rooms with persons of their self-assigned sexual identity. These behaviors violate the religious principles of the College and the Kentucky Mountain Holiness Association.

The College and Association prohibit homosexual practices and do not allow any sexuality other than that expressed in lifelong, monogamous, heterosexual marriage,¹³ heterosexuality. Based on Biblical principles, we also believe that a person cannot change their birth gender even though they undergo surgery and hormonal treatments. Because of this belief, we cannot allow persons who identify as the opposite of their birth gender, the freedom to reside with persons who are of the sex with which they have identified. The College cannot allow the above practices, because under our religious tenants, they are sinful behavior.

⁷ KMHA Handbook, pg 5, Item C.15, para 3.

⁸ KMBC Administrative Handbook, pg 16, Item 5.1.1 & pg 49, Item 9.4.5. & KMHA Handbook, pg 6-7 E.1 & 2

⁹ KMBC Student Handbook pgs 2 (general) & 17 (chapel).

¹⁰ KMBC Administrative Handbook & KMBC Faculty Handbook, pg 49, Item 9.4.5.

¹¹ KMBC Administrative Handbook, pg 2, item 1.2.12 & .13; pg 47, item 2.C.4 & pg 49-50, Items 9.4 & 9.5.

¹² KMHA Handbook, pg 4-5, Item C.15, para 2. & KMBC Administrative Handbook, pg 49-50, Item 9.5.

¹³ KMBC Administrative Handbook, pg 2, statement 12, & pg 49, Item 9.4.3 and 9.4.5.

We cannot allow a person who identifies as the opposite sex to date or have sexual activity with a person of their birth sex. According to our belief, this would be homosexual behavior. The College's and Association's religious beliefs which are based on the Bible forbid premarital sex, extra-marital sex, and homosexual behavior for both students and employees.¹⁴The College is requesting exemption from 34 C.F.R. § 106.31 (b)(4) so that we may apply standards of behavior, sanctions, and treatments to these gender identity issues that are in keeping with our deeply held religious beliefs.

According to the College's and Association's deeply held religious views, it is deemed most inappropriate to hire persons who do not live by our standards of appropriate sexual behavior. Our employees are considered representatives of the College and are to model proper Christian behavior.

Because of our College's and Association's religious beliefs on sexuality, we cannot allow a person identifying as the opposite sex of their birth sex the right to live in campus housing with persons of their self-assigned sexual identity, play on athletic teams, share restrooms, or locker rooms with persons of their self-assigned sexual identity.

Lastly, the Kentucky Mountain Holiness Association affirms:

[A]ll human life is sacred and created by God in His image. Human life is of inestimable worth in all of its dimensions, including unborn babies, the aged, the physically or mentally challenged, and every other stage or condition from conception through natural death. Therefore, we are opposed to abortion, abortifacient devices, infanticide, euthanasia, suicide, and assisted suicide. We are therefore called to defend, protect, and value all human life (Psalm 139).¹⁵

Consistent with this biblical interpretation, the College in its student and employee handbooks provides the following summary of our beliefs regarding the sanctity of human life:

SCHOOL SANCTITY OF HUMAN SEXUALITY,¹⁶

Based on the religious beliefs of the College and Kentucky Mountain Holiness Association, the College is requesting exemption on religious grounds from Title IX and the implementing regulations listed above, to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict the College's freedom to apply and enforce its Statement on Human Life.

Based on the religious beliefs of the College and Kentucky Mountain Holiness Association, the College is requesting exemption on religious grounds from Title IX regulations 106.32 (housing), 106.33 (restroom and locker rooms) and 106.41 (athletics) to allow the College religious freedom to discriminate on the basis of sex, including gender identity, and sexual orientation, with regard to housing and living arrangements, restroom, locker room, and athletics, and from 106.31 (b)(4), regarding treatment and discipline. In the case of employment and gender identity, the College is requesting exemption on religious grounds from 106.51 (a), which forbids discrimination in employment and employment decisions on the basis of sex.

The College's and Association's religious beliefs which are based on the Bible forbid elective abortion,

¹⁴ KMHA Handbook, pg 4-6, Item C.15. & KMBC Administrative Handbook, pg 49-50, Item 9.5.

¹⁵ KMHA Handbook, pg 6, Item C.16.

¹⁶ KMHA Handbook, pg 4-6, Item C.15. & KMBC Student Handbook, pg 26-27.

pre-marital sex, extra-marital sex and homosexual behavior for both students and employees. Enforcement of the OCR's interpretations of Title IX regulations 106.21 (6)(iii), 106.21 (c), 106.40, 106.51 (a), 106.51 (b)(6), 106.57, 106.31 (b)(4), and 106.32 to the College would require the College to retain pregnant, unmarried employees or employees who elect to terminate their pregnancy, to accept pregnant unmarried students, to retain unmarried students who elect to have an abortion, to allow opposite sex couples to cohabit, to retain pregnant unmarried students and allow them to live in College housing and to allow homosexual students to live together. The College cannot allow these things as they would be in deep violation of the historic Christian beliefs, practices, and values of the College and the Kentucky Mountain Holiness Association of which we are a part and accountable to.

To follow the a fore-mentioned regulations of the Title IX would require Kentucky Mountain Bible College to not discriminate in matters of discipline, admissions, hiring and employment, in situations such as employment leaves for pregnancy, childbirth, elective abortion, unmarried pregnancy, pre-marital sex, extra-marital sex or homosexual activity. Following these regulations and the other regulations mentioned in this appeal would require the College to violate the religious beliefs of the Kentucky Mountain Holiness Association and the long-established beliefs, practices and values of the College.

Kentucky Mountain Bible College is requesting an exemption from the Title IX regulations that are listed in this letter so that the College may have the right to discriminate on religious grounds in matters relating to its students and employees so that it can follow its religious beliefs and those of the Kentucky Mountain Holiness Association. If you have any questions or need any additional information, please feel free to contact me.

Yours sincerely,

A handwritten signature in cursive script that reads "Philip Speas".

Philip Speas, D.D.
President, Kentucky Mountain Bible College